

Notice of Allowability

Application No.

09/960,236

Examiner

Lois Zheng

Applicant(s)

BASOL ET AL.

Art Unit

1742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to after final amendment filed 28 September 2006.
2. ☒ The allowed claim(s) is/are 2-6, 11, 12, 15, 16, 18, 20-23, 25, 26, 29, 30, 33, 41, 43, 44, 47 and 49-56.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>8/24/06</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

Status of Claims

1. Claims 1, 7-10, 13-14, 17, 19, 24, 27-28, 31-32, 34-40, 42, 45-46 and 48 are canceled in view of the after final amendment filed 28 September 2006. Claims 2-6, 11-12, 15-16, 21-23, 25-26, 29-30, 44 and 47-52 are amended in view of the after final amendment. New claims 53-56 are added in view of the after final amendment. Therefore, claims 2-6, 11-12, 15-16, 18, 20-23, 25-26, 29-30, 33, 41, 43-44, 47 and 49-56 are currently under examination.

Priority

2. The instant invention does not benefit from the filing date of the provisional application 60/272,791, which is 1 march 2001, since the original disclosure filed with the provisional application 60/272,191 does not provide full support for the original disclosure of the instant non-provisional application. Therefore, the effective filing date of the instant application, for the purpose of prior art, is 20 September 2001.

Examiner's Amendment

3. In claim 22, please change the word "entirey" to "entirety" on line 2.
4. Please add the following paragraph to the very beginning of the specification:

This application claims benefit of US Patent Serial No. 60/272,791, filed on March 1 2001.

5. Please amend the specification according to the following:

On page 2, line 4, insert ", now US Patent No. 6,534,116, " after "09/740,701".

On page 2, line 13, insert ", now US Patent No. 6,482,307, " after "09/735,546 ".

On page 2, line 16, insert ", now US Patent No. 6,610,190, " after "09/760,557 ".

On page 2, line 20, insert ", now US Patent No. 6,413,388, " after "09/511,278 ".

On page 2, line 22, insert ", now US Patent No. 6,413,403, " after "09/621,969 ".

On page 4, line 30, insert ", now US Patent No. 6,534,116, " after "09/740,701".

On page 13, line 18, insert ", now US Patent No. 6,534,116, " after "09/740,701".

Allowable Subject Matter

6. Claims 2-6, 11-12, 15-16, 18, 20-23, 25-26, 29-30, 33, 41, 43-44, 47 and 49-56 are allowed.

7. The following is an examiner's statement of reasons for allowance:

The prior art of record does not fairly teach or suggest, either alone or in combination, the claimed apparatus in physical contact and relative movement with a workpiece, wherein the apparatus comprises a pad, in alignment with the workpiece, having a plurality of channels formed in the top surface of the pad, at least one hole disposed within each of the channels so that the solution flow therethrough into each of the plurality of channels, wherein the plurality of channels are arranged to allow a relatively greater amount of processing to occur at the center of the workpiece than the edge of the workpiece or vice versa.

In addition to the above, the prior art of record also does not fairly teach or suggest, either alone or in combination, the claimed plurality of channels are parallel to each other and having a greater width in an edge portion of the pad corresponding to the edge contact region of the workpiece, wherein a substantially equal amount of processing occurs on the center and the edge regions of the workpiece.

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6. The following is an examiner's statement of reasons for allowance:

The prior art of record does not fairly teach or suggest, either alone or in combination, the claimed apparatus in physical contact and relative movement with a workpiece, wherein the apparatus comprises a pad, in alignment with the workpiece, having a plurality of channels formed in the top surface of the pad, at least one hole disposed within each of the channels so that the solution flow therethrough into each of the plurality of channels, wherein the plurality of channels are arranged to allow a relatively greater amount of processing to occur at the center of the workpiece than the edge of the workpiece or vice versa.

In addition to the above, the prior art of record also does not fairly teach or suggest, either alone or in combination, the claimed plurality of channels are parallel to each other and having a greater width in an edge portion of the pad corresponding to the edge contact region of the workpiece, wherein a substantially equal amount of processing occurs on the center and the edge regions of the workpiece.

Furthermore, the prior art of record also does not fairly teach or suggest, either alone or in combination, the claimed plurality of channels each having a greater width in either the center portion or the edge portion of the pad corresponding to either the center region or the edge region of the workpiece respectively, wherein the plurality of channels allow a relative greater amount of processing to occur on region of the workpiece than another region of the workpiece.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

Furthermore, the prior art of record also does not fairly teach or suggest, either alone or in combination, the claimed plurality of channels each having a greater width in either the center portion or the edge portion of the pad corresponding to either the center region or the edge region of the workpiece respectively, wherein the plurality of channels allow a relative greater amount of processing to occur on region of the workpiece than another region of the workpiece.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Basol et al. US 6,932,896 B2 teach an electrochemical apparatus that is substantially the same as the instant invention (See Figs. 16-17 and related discussion in the specification). US 6,832,896 B2 claims priority to the filing date of its corresponding provisional application 60/280,524, filed on 30 March 2001. However, the original disclosure of provisional application 60/280,524 does not provide full support to the original disclosure of US 6,832,896 B2. Therefore, US 6,832,896 B2 does not benefit from the filing date of the corresponding provisional application 60/280,524. The effective filing date of US 6,832,896 B2 is 17 October 2001, which disqualifies US 6,832,896 B2 from being used as prior art against the instant invention.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lois Zheng whose telephone number is (571) 272-1248. The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on (571) 272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LLZ

ROY KING
SUPERVISING PATENT EXAMINER
TECHNOLOGY CENTER 1700